

# **EXHIBIT**

## **EE**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |                                       |
|---|---------------------------------------|
| In re Terrorist Attacks on September 11, 2001   | 03-md-1570 (GBD)(SN)<br><br>ECF Case  |
| This document relates to:<br><br><i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i> | 15-cv-9903 (GBD) (SN)<br><br>ECF Case |

**DECLARATION OF ROBERTO MESA**

I, ROBERTO MESA, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as **Exhibit A** to this Declaration is a true and correct copy of my passport as proof of citizenship.

3. On September 11, 2001, I was working for American Building Management as a maintenance employee. I was at work on the 68<sup>th</sup> floor of the World Trade Center when the terrorist attacks on the World Trade Center Towers occurred. Like many others, I headed straight for the stairs in order to find safety. During my long, tense climb down 68 flights of stairs, I fell, injuring my left knee and right shoulder, and suffered from chest pains and breathing issues. From September 14, 2001 through November 2001, I worked at 115 Broadway (approximately one block from the World Trade Center) doing general cleanup of damage from the attacks.

4. On December 14, 2001, I was evaluated by Dr. Robert Meyerson, MD, at Beth Israel Orthopedic Association for treatment to my right shoulder and left knee. My chief complaint was that I was experiencing pain when bearing weight on my left knee. Examination of my left knee revealed wasting of the quadriceps and patella-femoral excursion. Dr. Meyerson concluded that I had osteoarthritis of the left knee, resulting in a partial disability directly attributable to the events of September 11, 2001. In early 2002, I began physical therapy as treatment for the pain in my knee.

5. On February 25, 2004, I saw Dr. Robert Kramberg, Rehabilitation Medical Center of New York, for a follow-up of my chronic knee pain. Dr. Kramberg found that I was suffering from internal derangement of my left knee, and that I had a 50% loss of use of my left leg, as well as a 35% schedule loss of my right arm.

6. My knee continued to bother me, and I was referred to Dr. JoEllen Finkel at Spine and Joint Services of New York. Dr. Finkel concluded that I had very advanced osteoarthritis of the medial femorotibial joint compartment and attenuation of the posterior horn and body of the medial meniscus, with extensive mucoid degeneration noted within the anterior horn. Dr. Finkel also noted a partial anterior cruciate ligament tear, as well as joint effusion.

7. In August 2009, I was evaluated by Sabrina M. Strickland, M.D., at the Hospital for Special Surgery, for my chronic knee pain. Dr. Strickland recommended a total knee replacement. In December 2009, I had a Workers' Compensation Orthopedic Examination by Jay Nathan, M.D. Dr. Nathan reported that I wore a left knee brace, continued to experience knee pain, had difficulty with walking and bending, and that I walked with a limp to the left. During that visit, I also reported that I felt worse. Dr. Nathan recommended three Synvisc injections over a two-month

period and a left total knee arthroplasty if the injections were not helpful. Dr. Nathan also noted that I was suffering from impingement syndrome in my right shoulder.

8. In April 2010, Workers' Compensation authorized surgery for a total knee replacement and physical therapy.

9. I was scheduled for a pre-operative evaluation of my left knee at Mt. Sinai Hospital on November 8, 2011. Prior to the operation, the attending surgeon, Dr. Paul Stelzer, discovered that I had experienced an episode of acute systolic heart failure. My knee operation was postponed so that I could undergo open heart surgery. I underwent bilateral simultaneous total knee replacement surgery on November 20, 2015 at NYU Hospital for Joint Diseases. On January 4, 2016, Scott Marwin, M.D. found that I was totally disabled. A copy of my medical records are attached as **Exhibit B** to this Declaration.

10. I previously pursued a claim (Claim Number VCF0009006) through the September 11<sup>th</sup> Victim Compensation Fund, specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 24 day of June 2020.

  
\_\_\_\_\_  
ROBERTO MESA

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**